

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR
AN ADMINISTRATIVE INJUNCTION
INVOLVING:

DARYL HARRIS,	FINAL DECISION AND ORDER
RESPONDENT	LS0007241RAL

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

the rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information.

Dated this 4th day of October, 2000

Marlene A. Cummings, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION

DARYL HARRIS,

RESPONDENT

PROPOSED DECISION AND ORDER

LS0007241RAL

PARTIES

The parties to this action under section 227.44 of the Wisconsin Statutes and chapter RL 3 of the Wisconsin Administrative Code, and for purposes of review under §227.53, Wis. Stats., are:

Division of Enforcement

Department of Regulation and Licensing

1400 East Washington Avenue

Madison, WI 53703

Daryl Harris

2670 Mutchler Road

Madison, WI 53711

also c/o Southern Cuts & Nails

1017 South Park Street

Madison, WI 53715

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PROCEDURAL HISTORY

On July 24, 2000, the Division of Enforcement, by its attorney Steven M. Gloe, filed a petition for an administrative injunction. A hearing on the petition was scheduled for September 7, 2000. A copy of the petition and a notice of hearing were sent to Mr. Harris on July 24, 2000, by certified mail to his last known address.

Mr. Harris failed to file an answer to the petition. The hearing on the petition was held as scheduled. Mr. Harris did not appear. Mr. Gloe appeared on behalf of the Department of Regulation and Licensing.

Based on the entire record of this case, this is the proposed decision and order of the undersigned administrative law judge.

FINDINGS OF FACT

1. Daryl Harris does not hold a license to practice barbering and cosmetology in the State of Wisconsin.
2. On April 20, 2000, Mr. Harris was engaged in the practice of barbering and cosmetology at Southern Cuts & Nails, a barbering, cosmetology, and manicuring establishment located at 1017 South Park Street in Madison, Wisconsin.
3. On July 24, 2000, the Department of Regulation and Licensing (Department) sent a Petition For Injunction by certified mail to Daryl Harris at his last known address. Mr. Harris did not file an answer to the Petition.

CONCLUSIONS OF LAW

1. Daryl Harris engaged in the practice of barbering and cosmetology in Wisconsin without the required credential contrary to §454.04 (1) (d), Wis. Stats.

ORDER

THE DEPARTMENT OF REGULATION AND LICENSING HEREBY ISSUES THE FOLLOWING SPECIAL ORDER:

Effective on the date on which this order is signed by the Department Secretary or her designee,

- the respondent, Daryl Harris, is **enjoined and prohibited** from engaging, directly or indirectly, in barbering and cosmetology, which is conduct requiring a credential under Chapter 454, Wis. Stats., unless and until he obtains the appropriate credential under Chapter 454, Wis. Stats.; and

ANY VIOLATION OF THIS SPECIAL ORDER MAY RESULT IN A FORFEITURE OF UP TO \$10,000 FOR EACH OFFENSE, WITH EACH DAY OF CONTINUED VIOLATION CONSTITUTING A SEPARATE OFFENSE.

OPINION

On April 20, 2000, Mr. Harris was employed at Southern Cuts & Nails in Madison, Wisconsin, to provide barbering and cosmetology services to the public. He was observed on that same date cutting a customer's hair at Southern Cuts & Nails. Mr. Harris was not licensed as a barber or cosmetologist at the time he was observed, nor is he presently licensed as a barber or cosmetologist.

The Department subsequently served a Petition For Injunction on Mr. Harris by certified mail on July 24, 2000. Mr. Harris failed to appear at his scheduled hearing and did not file an answer with the Department. He is therefore in default and has effectively admitted all the allegations contained in the Petition.

It is undisputed that Mr. Harris engaged in the practice of barbering and cosmetology without the professional credential required by statute. Section 440.21, Wis. Stats., authorizes the Department to seek a special order enjoining anyone from practicing without a professional credential. Such an order is clearly appropriate here.

Any person who violates a special order issued under section 440.21(2), Stats., may be required to forfeit up to \$10,000 for each offense, under section 440.21(4), Stats., and each day of continued violation constitutes a separate offense.

Dated at Madison, Wisconsin, this 8th day of September, 2000.

STATE OF WISCONSIN

DEPARTMENT OF REGULATION & LICENSING

1400 East Washington Avenue

Madison, Wisconsin 53703

Jacquelynn B. Rothstein

Administrative Law Judge